

# Fighting crimes in the customs field is an important factor of ensuring economic security!!!

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**Annotation:** In this scientific article, the issues of improving the organizational and legal basis of investigative activities in the detection of customs crimes in the Republic of Uzbekistan today are explained. In particular, practical and legal problems in the detection of crimes in the customs field and proposals for their solution are described.

**Keywords:** customs crime, operational-search activity, operational-search activities, violation of customs legislation, criminal procedure, Code of Criminal Procedure, Criminal Code.

## Introduction.

Today, in the conditions of globalization and economic integration in the world, the disclosure of crimes in the field of customs is reflected as an important factor of ensuring economic security in the world and in the Republic of Uzbekistan. Also, the improvement of the organizational and legal basis of the rapid search activities conducted in this direction is gaining urgent importance.

In particular, in the recommendations of the Financial Action Task Force (FATF) on combating the legalization of proceeds from criminal activities at the international level, measures to combat crimes in the customs field, including masked operations, which are considered rapid-search activities, decoding information from technical channels of communication, controlled delivery and other established international standard rules for establishing effective mechanisms.

Measures are being taken to implement these rules in countries around the world [1, P-10-21].

Also, in the development strategy of the Republic of Uzbekistan for 2022-2026, as the 16th goal, the creation of an effective system of timely identification and elimination of the conditions that led to the commission of violations, and the quality of the prevention of violations are set to a new level. Also, as the 17th goal, it is specified to form a new image of law enforcement agencies and to develop measures to attract additional forces and tools, to reform investigative activities for the detection of new types of crimes committed using information technologies, including cybercrimes [2 , P-14-15].

## Materials And Methods.

First, the researcher studied and explained in detail the features of conducting operational-search measures. In particular, in this chapter, the author entered into a discussion with Uzbek scientists A. Khamdamov, T. Saitbaev, S. Gordeev, R. Rashitkhodzhaev [3] and Russian scientists V. A. Ilyichev, G. I. Kozyrev, I. A. Klimov, V.I.Mikhailov, A.V. Fedorov, A.Yu. Shumilov and expressed his point of view on specific aspects of his research [4]. The researcher also developed his own definition of the concept of operational-search activities and substantiated it scientifically and theoretically [5, P-274].

Also, in the development strategy of the Republic of Uzbekistan for 2022-2026.

In the research were used methods such as systematic analysis, dialectical, comparative-legal, logical-legal, complex research of scientific sources, social survey, expert assessment and statistical data analysis.

## Results.

According to the statistics of the Customs Committee of the Republic of Uzbekistan, cases of crimes committed by citizens in the customs sphere have increased.

In particular, in 2022, 839 bln. Illegal circulation of goods worth 50,308 soums has been stopped, cases have decreased by 54% or 5,308, the value of goods by 6% or 50 billion. increased to soums. This situation can be clearly seen from the table below for some types of goods:

No	Product name	2021 y case numbers	Amount (in thousand soums)	2022 y case number	Amount (in thousand soums)	The difference is in number	The difference is in the amount
1	Agricultural products	96	2 246 533,9	94	4 773 832,1	-2	2 527 298,1
2	Medicines and medical products	692	41 200 777,5	908	41 273 267,1	216	72 489,5
3	Mineral fertilizers	22	4 792 622,3	54	1 296 081,9	32	-3 496 540,4
4	Oil products	70	2 104 958,4	208	10 079 773,3	138	7 974 814,9
5	Foods	339	24 792 654,1	442	14 620 160	103	-10 172 493,9
6	Non-ferrous metals	95	3 941 464,4	87	4 189 157,1	-8	247 692,8
7	Alcohol and alcoholic products	141	1 004 701,6	206	1 926 808,1	65	922 106,6
8	Tobacco products	166	18 756 370,9	338	19 811 320,4	172	1 054 950,5

From the data in the table above, it can be seen that the number and value of illegal transportation of drugs and medical products, petroleum products, alcohol and alcoholic products, tobacco products through the customs border increased, while the value of agricultural products and non-ferrous metals increased. [6, P-1]. Because the methods of committing crimes in the field of customs are new in terms of form, and they are becoming more active using new means, that is, information and communication technologies and the possibilities of the Internet. This negative trend requires the improvement of the methods of exposing crimes in the field of customs today.

**Discussion.**

In the field of identification and elimination of problems in the organizational and legal basis of the rapid investigation measures for the detection of crimes in the field of customs, it is important to first indicate the concept of "Crimes in the field of customs" and the crimes that fall into this category. In this regard, it should be noted that currently there are different approaches to the concept of "Crimes in the field of customs" in international normative documents and the legislation of the Republic of Uzbekistan.

In particular, the concept of "Customs offenses" was explained in the international Nairobi Convention "On providing mutual administrative assistance in the prevention, investigation and elimination of customs offenses" signed on June 9, 1977 in Nairobi, Kenya.

According to it, "Customs offense is defined as any type of offense that violates customs legislation or an attempt to commit such an offense." [7, P-2].

Also, in the Customs Code of the Customs Union, the concept of "crime" is defined and according to it, "crime is a criminal offense or a crime, the handling of which is assigned to the customs authorities in accordance with the legislation of the member states" [8, P-2-3]. However, the concept of "Customs crimes" is not defined in this international convention and code.

At the same time, the concept of "Crimes in the field of customs" is used in the context of the Criminal Code and Criminal Procedure Codes of the Republic of Uzbekistan as "Violation of Customs legislation".

However, the concept of "Crimes in the field of customs" is not defined in Section 8 of the Criminal Code entitled "Legal Meaning of Terms". The concept of "violation of the customs legislation" is a narrow concept and is only defined by the Criminal Code.

Means and covers the content of the crime specified in Article 182.

At this point, it should be said that the following items are specified in Article 381<sup>2</sup> of the Criminal Procedure Code of the Republic of Uzbekistan entitled "Criminal case to investigation":

1.	130-модда.	Production, import, distribution, advertising, display of
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		pornographic products
2.	130 <sup>1</sup> -модда.	Making, importing, distributing, advertising, displaying a product that promotes violence or cruelty
3.	182-модда.	Violation of customs legislation
4.	184-модда.	Evasion of payment of taxes or other compulsory payments.
5.	244 <sup>3</sup> -модда.	Illegal production, storage, import or distribution of religious material
6.	244 <sup>4</sup> -модда.	Unlawful importation, transfer, acquisition, possession or use of unmanned aerial vehicles
7.	246-модда.	Contraband
8.	250 <sup>1</sup> -модда.	Illegal handling of fireworks

The offenses specified in these articles are committed by violating the customs legislation. However, the concept of "violation of customs legislation" used in the Criminal Code and Criminal Procedure Codes of the Republic of Uzbekistan is used only in the Criminal Code.

Means the content of the crime specified in Article 182 and does not cover the content of the other articles mentioned above.

This indicates that today there is a need to include the concept of "Crimes in the field of customs" in the international conventions and legislation of the Republic of Uzbekistan and clarify its scientific definition [9, P-189].

Currently, in the detection of crimes in the field of customs, according to Article 14 of the Law of the Republic of Uzbekistan "On Rapid Search Activities" adopted on December 25, 2012, the following 16 rapid search activities are established:

1. request;
2. data collection;
3. collection of samples for comparative examination;
4. purchase for inspection;
5. take under control;
6. inspection of objects and documents;
7. quick tracking;
8. to determine the identity of the person;
9. inspection of residences and other places, buildings, structures, plots of land, technical and transport vehicles;
10. control of mail, courier shipments and telegraphic messages;
11. listening to conversations conducted through telephones and other telecommunication devices, receiving information transmitted through them;
12. receiving information about connections between subscribers or subscriber devices;
13. quick input;
14. controlled delivery;
15. disguised operation;
16. quick experiment [10, P.5-6].

In Uzbekistan, improving the legal basis of rapid-search activities in combating crimes is of great importance. Above, the problems that exist in the Law of the Republic of Uzbekistan "On Quick Search Activities" were indicated. Based on this, it is appropriate to have a deeper discussion on the above-mentioned 3 problems. For example, "quick entry" and "masked operation" quick-search activities are almost identical in content, but differ from each other in terms of the purpose and definition of activities and the time of their implementation. Also, due to the fact that the activities of criminal groups or objects of operational importance continue during the implementation of the "rapid introduction" event, this event ends with the introduction of the employee of the body carrying out the rapid search activity or the person assisting on the basis of confidentiality into the criminal and criminogenic environment.

Therefore, taking additional actions as a follow-up to the "quick entry" quick-search activity after the entry is made will result in a violation. In this case, it is necessary to use the "disguised operation" quick-search

event as a continuation of the "quick entry" quick-search event. if the "disguised operation" event is not used, the further actions of the criminal-criminogenic environment or the object of operational importance will remain without rapid processing, and the rapid-search actions will not be brought to a logical end.

It can be seen that the "quick input" event cannot be performed without the "masked operation" event, and the "disguised operation" event cannot be performed without the "quick input" event. These two fast-search activities are logically connected to each other. In this case, the "quick input" event logically starts the quick-search operation, and the "masked operation" logically continues and completes it.

It is also based on the analysis of identifying and eliminating new negative trends in the conditions of newly emerging social relations that are not regulated by current laws today (for example, cases where administrative and criminal liability are not defined in current legislation, illegal export of crypto-currencies to foreign countries) There is a need to put into practice a new rapid-search activity called "quick analysis" (research).

### **Conclusion.**

In conclusion, the increase of crimes in the field of customs can create dangers and threats to the economic security of the Republic of Uzbekistan. Therefore, it is important to improve the organizational and legal basis of rapid investigation activities in the detection of crimes in the customs field.

### **Acknowledgement (suggestions).**

**Based on the above, it is considered appropriate to implement the following measures in the future to improve the legal basis of rapid search activities:**

- Interpretation of the "quick entry" and "disguised operation" quick-search measures specified in Article 14 of the Law of the Republic of Uzbekistan "On Quick Search Activities" as one quick-search event and 14 of the Law of the Republic of Uzbekistan "On Quick Search Activities" - to amend the article in the following content:

"a covert operation based on quick entry - an event consisting of introducing an employee of a body carrying out quick-search activities or a person assisting on the basis of confidentiality into a criminal-criminogenic environment or an object of operational importance and secretly using its capabilities in order to solve the tasks of quick-search activities."

- amending Article 14 of the Law of the Republic of Uzbekistan "On Rapid Search Activity" and introducing a new rapid search event called "Rapid Analysis (Research)" and defining it as follows:

"quick analysis (research) - to determine the causes and factors that create conditions for the emergence of new negative trends, the commission of administrative and criminal offenses, risks and threats that harm the security of a person, society and the state, on the basis of data analysis, to solve the tasks of operational search activities and is an inactive, secondary rapid-research activity aimed at developing proposals for their elimination."

**The structural elements of this "quick analysis" rapid search event are as follows:**

**The purpose of the event:** to identify the causes and factors that create conditions for the emergence of new negative trends, the commission of administrative and criminal offenses, and their elimination based on the analysis of data to solve the tasks of the investigative activity. development of proposals for;

**The entity performing the event** is operatives;

**The object of the event** is risks and threats that harm the security of the individual, society and the state, new negative trends that have arisen that are not regulated by legislation, reasons, factors, situations, circumstances, events that have enabled the emergence of new negative trends, administrative and criminal offenses, their commission information and information about the causes and factors that create the conditions.

**Ways to hold this event:** systematic analysis, dialectical, comparative-legal, logical-legal, complex research of scientific sources, social survey, expert assessment and statistical data analysis.

**Document of formalization of the results of the event - analytical reference.** This analytical reference consists of an introduction, body and conclusion. The introduction of the analytical report shows the new negative trend, the urgency of the problem. In the main part, the facts, statistics, description of situations, situations are shown, and influencing factors and reasons are highlighted. In the conclusion, the risks and threats that harm the security of the person, society and the state, the causes, factors, situations, situations,

events, administrative and criminal offenses, the reasons that create the conditions for their commission and suggestions for eliminating factors are shown [11, P-241-304].

- Defining the concept of "Crimes in the field of customs" and introducing this concept into the Criminal Code of the Republic of Uzbekistan.

The introduction of these proposals into the legislation will serve to improve the organizational and legal basis of investigative activities in the future in the detection of crimes in the customs sector.

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